

### **REMARKS**

Claims 1, 7-14, 16, 18 and 24-30 are currently pending in the subject application and are presently under consideration. Claims 1, 9, 10, 11, 16, 18, 24, 25, 27, 28 and 30 have been amended as shown on pgs. 2-12 of the Reply. In addition, the specification has been amended as shown on page 13 of the Reply.

Applicants' representative thanks Examiner for the courtesies extended during a telephonic interview on June 22, 2007. During the interview it was indicated that the specification should be amended as shown above.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Claims 1, 10, 11, 16, 27 and 30**

Claims 1, 10, 11, 16, 27 and 30 are objected to because the claims contain language that suggests or makes optional, but does not require, steps to be performed. It is respectfully requested that this objection be withdrawn for the following reasons. The subject claims have been amended to cure the minor informalities, rendering Examiner's objection moot. Therefore, this objection should be withdrawn.

#### **II. Rejection of Claims 1, 9, 16, 18, 24, 25, 27 and 28 Under 35 U.S.C § 112**

Claims 1, 9, 18, 25, 27 and 28 stand rejected under 35 U.S.C § 112. It is respectfully requested that this rejection be withdrawn for at least the following reasons. The subject claims have been amended in accordance with Examiner's helpful suggestions. Accordingly, it is respectfully requested that this rejection be withdrawn.

#### **III. Rejection of Claims 16, 18 and 24-29 Under 35 U.S.C. § 101**

Claims 16, 18 and 24-29 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Withdrawal of this rejection is requested for at least the following reasons. The subject claims produce a useful, concrete and tangible result.

Because the claimed process applies the Boolean principle [abstract idea] *to produce a useful, concrete, tangible result* ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis added); See *State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been *reduced to some practical application rendering it "useful."* *AT&T* at 1357 citing *In re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (emphasis added).

#### Claims 24 and 27

The Examiner contends that claims 24 and 27 are nothing more than a signal (See Office Action dated April 16, 2007, pg. 6). Applicants' representative disagrees and submits that the Examiner is misconstruing the requirements necessary to fulfill the conditions for patentability under 35 U.S.C. §101. According to *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 (Fed. Cir. 1999), the standard set forth by the Federal Circuit for determining whether claims are directed towards statutory subject matter is whether the claims as a whole can be applied in a practical application to *produce a useful, concrete and tangible result*. It is the result of the claims as applied in a practical application that is germane to the determination of whether the claims are directed towards statutory subject matter. The subject claim clearly satisfies this legal standard. In particular, claim 24 recites a **computer readable medium storing computer executable instructions for a method . . . the method comprising associating a call state object to at least one of the non-blocking asynchronous begin operation and the non-blocking asynchronous end operation; where a begin asynchronous operation method *returns an asynchronous result object* . . . .** The specification clearly defines that synchronous objects can cause a thread to block, whereas asynchronous objects typically do not lead to threads blocking. Thus, claim 24 elicits a series of independent acts that culminates in a useful, concrete and tangible result – the returning of an asynchronous result object.

Similarly, claim 27 recites **sending at least one of a result and a result object to the caller; where the constituent parts comprise at least one of a begin operation that will not block due to asynchronous method calling.** Thus, claim 27 produces a useful, concrete and tangible

result – the sending of a result object comprising at least one of a begin operation that will not block due to an asynchronous method calling.

Examiner also contends that for a computer program to comply with 35 U.S.C. § 101, the computer program must be embedded on a computer readable medium. Claims 24 and 27 recite *a computer readable medium storing computer executable instructions*, and therefore, are embedded on a computer readable medium. Therefore, claims 24 and 27 meet the requirements for patentability under 35 U.S.C. § 101.

#### Claims 18, 25 and 28

Additionally, independent claims 18, 25 and 28 have been amended to recite *a computer readable medium storing computer executable instructions that performs a method...* Therefore, the subject claims do not simply relate to a method, but to a method embedded on a computer readable medium. Thus the subject claims relate to statutory subject matter, as defined by Examiner.

Claim 18 also produces a useful, concrete and tangible result. In particular, claim 18 recites *passing the code for the synchronous method call through a call conversion process to produce a code for an asynchronous method call*. As noted *supra*, asynchronous method calls provide benefits over synchronous method calls and consequently, the subject claim produces a useful, concrete and tangible result.

Additionally, claim 25 (and similarly claim 28) recites *returning control and a result consistent with the result of the target method to the calling client upon completion of the processing associated with ending the asynchronous call to the target method; where the constituent parts comprise at least one of a begin operation that will not block due to the asynchronous call . . . .* Accordingly, the subject claims produce a concrete, useful and tangible result.

#### Claims 16 and 29

Examiner further contends that claims 16 and 29 fail to provide a practical application. Applicants' representative avers to the contrary. Claim 16 recites *the asynchronous call initializer further returns a result object to the client caller*. As noted above, asynchronous objects typically do not lead to threads blocking. Therefore, the subject claim produces a

concrete, useful and tangible result.

Claim 29 also produces a concrete, useful and tangible result, reciting *means for returning and storing parameters from the target method*. Thus, the subject claim produces a concrete, useful and tangible result by returning and storing parameters.

In view of the foregoing, it is readily apparent that the subject claims are statutory subject matter. Accordingly, it is respectfully requested that this rejection be withdrawn with respect to claims 16, 18 and 24-29.

#### **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP249US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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